

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL)
CORPORATION and)
DANA-FARBER CANCER)
INSTITUTE, INC.,)
)
Plaintiffs,) C.A. No. 1:18-cv-11360-IT
)
 v.)
)
ESOTERIX GENETIC)
LABORATORIES, LLC and)
LABORATORY CORPORATION)
OF AMERICA HOLDINGS,)
)
Defendants.))
)

JOINT MOTION TO ENTER JUDGMENT

The parties, plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. (collectively “Plaintiffs”) and defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America) (collectively “Defendants”), hereby jointly request that the Court enter the [Proposed] Stipulated Judgment attached hereto as Exhibit A.

In support of their joint motion, the parties state that they have reached an agreement that would permit defendant Esoterix Genetic Laboratories, LLC to take an immediate appeal of the portion of the Court’s September 4, 2019 Memorandum and Order (Dkt. No. 133) (the “Order”) granting in part Plaintiffs’ motion for partial summary judgment on Count I (Breach of Contract) and Count IV (Accounting/Injunctive Relief) of the Second Amended Complaint, and that would permit Plaintiffs to cross-appeal that portion of the Order granting in part Defendants’ motion to dismiss Count V (Reformation of Contract – Mistake) of the Second Amended Complaint.

Specifically, as set forth in Exhibit A, the parties stipulate to (i) the entry of judgment on Counts I and IV against defendant Esoterix Genetic Laboratories, LLC; and (ii) the entry of judgment dismissing Count V against Plaintiffs. The parties will also be filing a stipulation to voluntarily dismiss without prejudice the remainder of Count I of the Second Amended Complaint and to dismiss without prejudice Counts II, III, VI, and VII of the Second Amended Complaint in their entirety.

WHEREFORE, the parties respectfully request that this Court grant their Joint Motion to Enter the [Proposed] Stipulated Judgment attached hereto as Exhibit A.

* * *

Respectfully submitted,

Plaintiffs,
THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.

By their attorneys,

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Defendants,
ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

By their attorneys,

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Dated: October 21, 2020

CERTIFICATE OF SERVICE

I, Christopher R. Howe, certify that on October 21, 2020, I filed this Joint Motion to Enter Judgment on the Court's CM/ECF system, which will electronically serve all counsel of record in this case.

/s/ Christopher R. Howe
Christopher R. Howe